



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

June 4, 2008

Habib Motlagh
City of Perris
PO Box 606
Perris, CA 92572

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE STORM DRAIN LINE Q PROJECT, CITY OF PERRIS (ACOE REFERENCE NO. SPL – 2008 – 364 – FBV)

Dear Mr. Motlagh:

On March 21, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the construction of Storm Drain Line Q along Nuevo Road in the City of Perris. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Construction of a 3,055-foot long, rectangular concrete-lined channel along the north side of Nuevo Road from Dunlap Avenue westerly to the Perris Valley Storm Drain (PVSD). The project will include two box-culvert road crossings for Evans Road and El Nido Avenue over the new channel, an 11-cell box culvert crossing for Nuevo Road over the PVSD, the Line Q outlet structure to the PVSD, and the construction of local storm drain laterals and inlets to drain portions of Nuevo Road, Evans Road, and El Nido Avenue. Line Q does *not* include stub-outs for future adjacent development. Line Q will replace an existing earthen roadside drainage ditch and be located alongside the ultimate planned roadway improvements for Nuevo Road. Grading for the roadway will result in the fill of the earthen ditch, but the roadway improvements will be completed by others. The project is located within Sections 21, 22, 27, and 28 of Township 4 South, Range 3 West, of the U.S. Geological Survey *Perris*,

California Environmental Protection Agency



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California, 7.5-minute topographic quadrangle map (33 deg. 48 min. 02.8 sec. N/ -117 deg. 12 min. 11.4 sec. W).

Receiving water: un-named roadside drainage ditch and Perris Valley Storm Drain.

Fill area: 0.15 acre of permanent impact to roadside drainage ditch (919 linear feet total).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43

Line Q is part of the Perris Valley Master Drainage Plan, adopted by the Riverside County Flood Control and Water Conservation District in July 1987. Line Q has a total drainage area of approximately 500 acres, mostly located north of Nuevo Road. The drainage area includes portions of both the City of Perris and Riverside County on either side of Dunlap Road, the Perris city limit in this area. Within the City of Perris, various approved residential development projects will discharge into Line Q and its laterals.

All of the residential development projects within the drainage area were approved with structural and non-structural best management practices (BMPs) to remove pollutants in urban storm water runoff either as part of project Water Quality Management Plans (WQMP) or part of the Drainage Area Management Plan (DAMP). In Riverside County, only the southerly portion of the McCanna Hills Specific Plan will contribute urban storm water runoff to Line Q. This area of the McCanna Hills Specific Plan was issued a Certification on May 14, 2007. Existing rural residential and commercial areas within the County, between Dunlap Road and the McCanna Hills Specific Plan, will also contribute to discharges from Line Q. Pollutants in discharges to Line Q from the City roadways that are not otherwise treated in structural BMPs as part of previously approved residential projects will be treated using an extended detention basin, bio-swales, infiltration trenches, and/or hydrodynamic separators.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. In order to compensate for impacts to beneficial uses of the drainage ditch, which include the loss of riparian wildlife habitat, you have proposed to pay an in-lieu fee to the Santa Ana Watershed Association for the eradication of 0.24 acre of invasive plant species.

Appropriate BMPs will be implemented to reduce construction-related impacts to Waters



of the State according to the requirements of Order No. R8-2002-0011, commonly known as the Riverside County Municipal Storm Water Permit. Order No. R8-2002-0011 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order No. 99-08 DWQ, including the preparation of a SWPPP.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Perris adopted a Mitigated Negative Declaration on February 12, 2008. The Executive Officer has considered the City's Mitigated Negative Declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The City of Perris must pay an in-lieu fee to the Santa Ana Watershed Association for the eradication of 0.24 acre of invasive plant species in the San Jacinto Watershed. The fee must include funding for a minimum of 6-years of follow-on maintenance. Evidence of the fee payment must be provided to the Executive Officer by August 4, 2008.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a). Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.



Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf



Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Forrest Vanderbilt
State Water Resources Control Board, OCC – Dave Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Bill Orme
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini
and David Smith

APF:401/certifications/Line Q 332008-07

